IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22220 of 2007(T)

PETITIONERS:
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1. HARIDASAN, S/O LATE AYYAPPAN,
NELLIPARAMBIL HOUSE, PERUR AMSOM DESOM,
OTTAPALAM TALUK.

2. KALYANI, W/O. LATE AYYAPPAN,
NELLIPARAMBIL HOUSE,
PERUR AMSOM DESOM, OTTAPALAM TALUK.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS:
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1. OTTAPALAM CO-OP: URBAN BANK LIMITED,
OTTAPALAM REPRESENTED BY ITS
GENERAL MANAGER.

2. SPECIAL SALE OFFICER FOR OTTAPALAM
CO-OP: URBAN BANK LIMITED,
OFFICE OF THE ASST. REGISTRAR OF CO-OP:
SOCIETIES(G), OTTAPALAM.

BY ADV. SRI.VINOD MADHAVAN
GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 22220 OF 2007 T

Dated this the 19th July, 2007

JUDGMENT

Petitioners availed a loan. It was not repaid. Petitioners had earlier approached this Court and this Court directed Ext.P2 representation to be considered vide Ext.P3 Judgment. It is stated that pursuant to Ext.3 Judgment, the respondent Bank issued Ext.P6 letter to the petitioners to appear before the Bank for considering One Time Settlement. According to the petitioners, the Bank was considering their request, but thereafter without considering the same, Ext.P8 sale notice was issued. This is the case of the petitioners.

2. Heard the learned counsel appearing for the parties. Learned counsel for the respondent Bank would submit that there is no One Time Settlement, but the petitioners were in fact called upon to come over to the Bank to confer upon them the benefit which was available at that time. But, the petitioners did

not avail the same. Learned counsel for the petitioners would submit that the petitioners may be permitted to pay off the entire amount in instalments. In such circumstances, the Writ Petition is disposed of as follows:

The first respondent Bank will consider whether the petitioners can be granted any remission of interest in accordance with law. The Bank will intimate its decision, showing the amount payable by the petitioners after it considers the matter as such and also fixing the amount payable on the basis that the petitioners are to pay off the amount in eight equal monthly instalments. Petitioners are permitted to pay off the amount shown as payable as instalments by the petitioners in eight equal monthly instalments, the first of which shall be payable on or before 20.8.2007. They will pay the remaining instalments on or before the 20th of every succeeding month. If the petitioners do not pay any of the instalments, it will be open to the respondent Bank to proceed against the petitioners in

accordance with law. If the petitioners pay the amount in terms of the instalments as aforesaid, recovery proceedings shall be kept in abeyance.

. **K. M. JOSEPH, JUDGE**

kbk.